

Introduction

The United States District Court for the Western District of Tennessee provides in this pamphlet an overview of the Court-Annexed Mediation Program.

Mediation is an alternative dispute resolution method designed to provide parties in a civil case opportunity to explore the possibility of settlement by means of a facilitated, confidential, non-binding conference. The facilitator is an experienced attorney specially trained to mediate disputes. The attorneys participating as mediators in this court's annexed Mediation Program are particularly able to assist parties in exploring possibilities for early resolution of their cases.

The mediators certified to participate in this court's Mediation program are licensed to practice law in Tennessee, have ten or more years of trial experience, and substantial experience in federal court.

One big advantage of mediation is that a mediator, who is a neutral participant in the process, is often able to expand traditional settlement discussion and broaden resolution options by going beyond the legal issues in controversy.

Participation in this program is a voluntary option. Parties are not required to participate in the Mediation Program, will not be

compelled to settle a case in lieu of a trial, and will not be penalized if their case does not settle. If the parties choose the mediation process and cannot settle the case, no delay in getting to trial normally will be caused as a result of the process.

Often, however, even when a case does not settle in mediation, mediation conferences narrow the issues and result in settlements shortly thereafter.

1. Selection of a Court Certified Mediator

The district judge assigned to your case will discuss with you the possibility of mediation at the Rule 16(b) scheduling conference. If the judge refers the case to the Mediation Program, the parties will jointly select a mediator from a list of certified mediators on the mediation panel. The Clerk will offer a list of five mediators, selected randomly from the panel roster. If the parties cannot agree on a mediator, they will notify the judge of such and the judge will resolve the issue.

2. Scheduling the Mediation

When parties agree on a mediator from the panel, they will be asked to sign an **Agreement to Mediate**, according to which the parties agree to split the cost of mediation equally.

The fee structure is:

\$350.00 for the first four hours of mediation;

\$150.00 per hour thereafter, chargeable in half hour increments;

\$200.00 for time and expenses if a chosen Memphis division mediator is required to mediate in the Jackson division, or vice versa; and,

If the court determines that one or more of the parties are indigent, a panel mediator may be asked to provide mediation services *pro bono*.

The executed Agreement to Mediate will be returned to the Clerk's office and the Mediator Coordinator will forward it to the agreed upon Mediator. Upon receipt of the Agreement to Mediate, the mediator will notify the Clerk's office whether he or she will accept the assignment.

If assignment is accepted, the mediator will contact the parties and coordinate a time and place for the mediation session.

Meeting rooms in the Clifford Davis Federal Building in Memphis, and U.S. District Courthouse in Jackson, Tennessee are available through the Clerk's office for this purpose, if desired.

PRIVATE MEDIATION

Parties are free, at any time, to engage in private mediation or other forms of alternative dispute resolution (ADR) independent of or in addition to mediation with a Court Certified Mediator. The parties shall give notice to the Court of an agreement to engage in private ADR proceedings in order to assist the Court in maintaining its docket.

What Court Certified Mediators who have accepted appointments have to say about the Mediation Program:

“When mediation is successful it is rewarding for all parties, including the mediator. I’d like to see all parties in all cases be encouraged to give mediation a try.”

“I have mediated approximately 25 matters through private mediation and state court programs. I believe that the process works and parties should be encouraged to devote more time to the mediation effort.”

For additional information, please contact the Clerk’s Office in Memphis at (901) 495-1200 and ask for the Mediation Coordinator.

COURT-ANNEXED **MEDIATION PROGRAM** of the



United States
District Court
for the
Western District
of Tennessee

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